

## REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 13-32) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recalled that the present invention provides a mobile pallet for use with a freight container, which includes locking means at two sides of, and located at, either the leading edge or the trailing edge of the mobile pallet, or chassis, so that a plurality of such mobile pallets stored inside such freight containers are maintained in a fixed position within the freight container for preventing movement in mutually perpendicular directions in a horizontal plane during transport. This feature is particularly important when the freight container is on a ship and is seaborne, however, the freight container need not be a sea freight container nor is the mobile pallet of the claimed invention required to be used in connection with water-based transport.

More particularly, the present invention, as now broadly claimed, is directed to a pallet having locking means for immobilizing the pallet against movement in a freight container, whereby immobilization is achieved by a mechanism located on a leading edge or the trailing edge of the pallet that is capable of incremental extension from a retracted position to an extended position that varies according to the desired degree of extension. The locking mechanism located on the leading edge or the trailing edge is adapted to engage against a “vertical” container wall, or an adjacent pallet, so that the pallet, when in use in a freight container, is immobilized against a container wall or an adjacent pallet.

It is often found with freight containers that the length of the freight container is slightly longer than the length of a single pallet (for single pallet freight containers) or that the sum of multiple pallets (for multiple pallet freight containers) leaves a gap along the length of the freight container, which usually becomes apparent at the opening end of the container. The present invention is brought about to close the gap between the single pallet, or multiple pallets, and container walls in the lengthwise direction and, together with the locking means on the sides of the pallet chassis, immobilize the pallet within the freight container.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient pallet for use with a freight container, which is engagable and lockable against a wall of the freight container, or an adjacent pallet within the freight container, so as to prevent movement during transport in mutually perpendicular directions in a horizontal X – Y plane, either disclosed or suggested.

By the present amendments, Applicant has amended Claims 13, 15, 18, 19, 21 and 22 to delete the phrase “of said pallet for use with a freight container,” as well as amending “a plurality of sides” to now read --two opposite sides--, for addressing and overcoming the Examiner’s 35 U.S.C. §112, second paragraph, indefiniteness rejection of Claims 13-24. In the third Office Action, the Examiner had rejected Claims 13-24 on the ground that “the freight container” and “a plurality of sides” lacked a proper antecedent basis in many of the rejected claims and was generally unclear or confusing. The phrase “of said pallet for use with a freight container,” being essentially a functional recitation,

has been deleted and its deletion should not materially affect the scope of Applicant's claims. The phrase "two opposite sides" is submitted to provide greater clarity to Applicant's claims and avoid any likely indefiniteness thereof.

In view of the foregoing amendments entered for Claims 13-24, it is respectfully contended that the Examiner's 35 U.S.C. §112, second paragraph, indefiniteness rejection of Claims 13-24 has now been overcome and withdrawal of this rejection is requested.

Substantively, independent Claim 13 (and Claims 14-24 via dependency) has been amended to now recite that the "locking means," which is provided at "two opposite sides" and located at either the leading edge or the trailing edge of the chassis, includes a mechanism "having an extensible member fixedly extendable at increments from a retracted position to a variable extended position." Subject matter support for the newly added limitation entered for independent Claim 13 can be found in Applicant's *Specification* at Page 6, lines 4 – 17, and is illustrated in FIG. 4. (Dependent Claims 14, 15, 16, 18, 19, 21 and 22 have been amended to provide language that conforms to, or is otherwise consistent with, the amendments entered for independent Claim 13.)

Applicant has also taken this opportunity to add new Claims 30-32 for further reciting the features of his invention. New independent Claims 30 and 32 include recitation of the extensible member being fixedly extendable at increments from a retracted position to a variable position for engaging with a door of the freight container or an adjacent pallet when the extensible member is in an extended position.

Claims 25-29, which were previously “allowed” by the Examiner and for which Applicant thanks the Examiner, have been retained without amendment.

As a result of the newly-entered amendments, the instant patent application currently includes five independent claims (*i.e.*, Claims 13, 25, 28, 30 and 32). Accordingly, Applicant remits the additional claims fee of \$210 (small entity) for the pendency of two independent claims beyond the three independent claims covered by the original U.S. National Phase filing fee.

Turning now, in detail, to an analysis of the Examiner’s prior art rejection, in the third Office Action the Examiner has rejected Claims 13, 14, 18, 21 and 24 as being anticipated, pursuant to 35 U.S.C. §102(b), by Seo, U.S. Patent No. 4,976,365. It is the Examiner’s contention that the apparatus disclosed in Seo “is capable of use for preventing movement as broadly claimed and is deemed fairly readable” on the enumerated claims cited in the rejection, as such claims were pending prior to the present claim amendments.

In reply to the Examiner’s outstanding anticipation of independent Claim 13 (and various dependent claims), as now amended, Claim 13 recites the inclusion of locking means being provided at “two opposite sides” of the chassis and also provided at either the leading edge or the trailing edge of the chassis and, further, that the locking means includes a mechanism “having an extensible member fixedly extendable at increments from a retracted position to a variable extended position.”

Seo, in contrast to the claimed invention as recited in Claims 13-24 and 30-32, discloses an extensible member (43) that is movable into close abutment against an adjacent pallet. However, the extensible member taught by Seo “is biased in an upward direction and in an outward direction, relative to the platform, by coil springs **48, 48’**,” as explained in Seo at Col. 8, lines 56-58. Extensible member (43) of the applied citation is necessarily biased outwardly in order to catch joint projection (50) on an adjacent pallet to thereby lock adjacent pallets together.

The apparatus taught and suggested by Seo differs from that which is now claimed by Applicant with respect to the “locking means” utilized by Applicant, because the biased extensible member (43) disclosed by Seo does not fixedly extend at increments from a retracted position to remain at an extended position that can be varied. More importantly, the apparatus disclosed by Seo does not function to close “gaps” in a lengthwise direction between a pallet and container walls or adjacent pallets. Rather, extensible member (43) of Seo extends only so far as to catch onto projection (50) and to retain adjacent pallets directly in contact with each other.

As such, the presently claimed invention should no longer be viewed as being readable upon, or obvious over, Seo, which has distinctly different locking means from that which Applicant now claims and which fails to close gaps, in a lengthwise direction, between a given pallet and either freight container walls or adjacent pallets. Accordingly, withdrawal of the Examiner’s 35 U.S.C. §102(b) anticipation rejection of the third Office Action, which applies Seo, should be appropriately withdrawn.

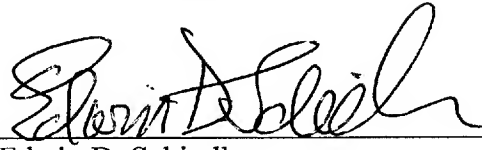
Finally, Palvik, U.S. Patent No. 3,456,826, which has not been applied in the latest Office Action, but was earlier applied in a rejection of Applicant's claims, as Seo, fails to disclose or suggest a pallet having locking means on opposite sides of a pallet chassis and on either the leading edge or trailing edge of the chassis for immobilizing the pallet in a freight container, wherein the locking mechanism on the leading edge or trailing edge of the chassis is capable of being extended at fixed increments for varying the degree of extension required in order to engage with a vertical container wall or an adjacent pallet.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 13-32) recite a novel and efficient pallet for use with a freight container, which is engagable and lockable against a wall of the freight container, or an adjacent pallet within the freight container, so as to prevent movement in mutually perpendicular directions during transport in a horizontal X – Y plane, which includes locking means at two sides of the chassis, as well as locking means also being provided at either the leading edge or the trailing edge, along with the locking means having a mechanism having an extensible member fixedly extendable at increments from a retracted position to a variable extended position, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the rejection and the

allowance of all claims now pending in the above-identified patent application are respectfully requested and earnestly solicited.

Respectfully submitted,

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August 16, 2008

- Enc.: 1. *Petition for One-Month Extension of Time* for Response;
2. *Request for an Interview with the Examiner*; and,
3. EFT for \$270.00 (One-Month Extension Fee (\$60.00) + Additional Claims Fee for Two Independent Claims Beyond the three independent claims covered by the Basic U.S. National Fee (\$210.00))

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (Account No. 19-0450) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.